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Attorneys for Petitioner Riel

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL

Petitioner,

vs.

WARDEN, San Quentin State Prison,

Respondent.

Case No. 2:01-cv-00507 LKK DAD (TEMP)

DEATH PENALTY CASE

CERTIFICATE OF ASSISTANT FEDERAL
 DEFENDER FOR PAYMENT OF WITNESS
 FEES

COMES NOW Tivon Schardl, Trial & Habeas Counsel for the Federal Defender of the Eastern District of California, and appointed counsel for Petitioner CHARLES RIEL, pursuant to 28 U.S.C. section 1825(b)(1), and hereby certifies that the non-expert fact witnesses listed below, having appeared and testified pursuant to subpoenas approved by this Court, are entitled to fees and mileage to be paid by the United States Marshal for the Eastern District of California. At the request of the Marshal, undersigned also requests that the Court approve this certificate.

On March 1, 2011, the following individuals appeared on behalf of Petitioner as non-expert fact witnesses in this case: Martin Collins and Robert Dolliver.

1 Section 1825(b) of the Judicial Code provides that “[i]n proceedings in forma pauperis for a
2 writ of habeas corpus . . . the United States marshal for the district shall pay . . . all fees of witnesses
3 for the party authorized to proceed in forma pauperis” Where non-expert fact witnesses appeared
4 “pursuant to subpoenas issued upon approval of the court,” the marshal shall pay the witnesses’ fees
5 “on certificate of a Federal public defender or assistant Federal public defender” who represents the
6 party authorized to proceed in forma pauperis. 28 U.S.C. § 1825(b)(1).

7 Petitioner in this case has been authorized to proceed in forma pauperis, and the Federal Public
8 Defender has been appointed to represent him. The undersigned has been assigned to represent
9 Petitioner.

10 Undersigned issued subpoenas to the witnesses named herein pursuant to the Court’s orders
11 granting an evidentiary hearing and directing that the testimony of Dolliver and Collins be taken
12 outside the courtroom.

13 Fact witness vouchers have been prepared for each of the named witnesses, and undersigned
14 signed the certificates thereon. However, the marshal typically requests a court order before paying
15 the witnesses’ fees.

16 WHEREFORE, undersigned respectfully requests that this Court approve this certificate and
17 direct the marshal to pay the fees.

18 Dated: April 14, 2011

Respectfully submitted,

ROBERT D. BACON

DANIEL J. BRODERICK
Federal Defender

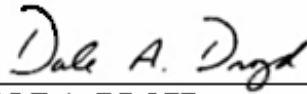
/s/ Tivon Schardl
TIVON SCHARDL
Trial & Habeas Counsel

JOAN M. FISHER
Assistant Federal Defender

Attorney for Petitioner Charles Dell Riel

APPROVED

Date: 4/14/2011



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE